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PTO/SB/01A (10-00)
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**DECLARATION (CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION
DATA SHEET (37 CFR 1.76)**

Attorney Docket: 060901/P006CP1/10103165

As a below named inventor(s), I/we declare that:

The declaration is directed to:

☐ The attached application, or

☒ Application No. 09/883,081, filed on 06/15/2001

☐ as amended on _____ (if applicable).

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT international filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME(S) OF INVENTORS:

Inventor one: Joshua E. Rothenberg

Signature: [Signature] Citizen of: U.S.A.

Inventor two: Yunlong Sheng

Signature: [Signature] Citizen of: Canada

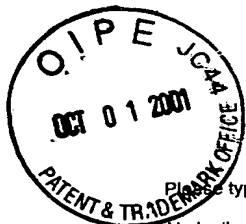
Inventor three: _____

Signature: _____ Citizen of: _____

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.



Please type a plus sign (+) inside this box



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

| | |
|----------------------|---|
| Application Number | 09/883,081 |
| Filing Date | June 15, 2001 |
| First Named Inventor | Joshua E. Rothenberg |
| Title | LITHOGRAPHIC FABRICATION OF PHASE MASK FOR, etc. |
| Group Art Unit | 2874 |
| Examiner Name | Not Yet Assigned |
| Attorney Docket No. | 060901/P006CP1/10103165 |

I hereby appoint:

☐ Practitioners at Customer Number

Customer Number

OR

☒ Practitioner(s) named below:

Customer Number Bar Code

| Name | Registration Number | Name | Registration Number |
|-------------------------|---------------------|---------------------|---------------------|
| Jody C. Bishop | 44,034 | Michael A. Papalas | 40,381 |
| Michael J. Fogarty, III | 42,541 | David H. Tannenbaum | 24,745 |
| Leslie S. Garmaise | 47,587 | William B. Tiffany | 41,347 |
| Matthew D. Jones | 44,810 | R. Ross Viguet | 42,203 |
| Jerry L. Mahurin | 34,661 | | |
| Thomas J. Meaney | 41,990 | | |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

Customer Number

OR

Customer Number Bar Code

☒ Firm or
Individual Name

Fulbright & Jaworski L.L.P.

Address 2200 Ross Avenue, Suite 2800

City Dallas

State

Texas

Zip

75201

Country Dallas

Telephone

214-855-8333

Fax

214-855-8200

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

| | |
|-----------|--|
| Name | Gary D. Cuccio, President and CEO of Phaethon Communications |
| Signature | |
| Date | 9/14/01 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

☐ *Total of 1 forms are submitted.



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Joshua E. Rothenberg, Ph.D., et al.

Application No./Patent No.: 09/883,081 Filed/Issue Date: June 15, 2001

Entitled: LITHOGRAPHIC FABRICATION OF PHASE MASK FOR FIBER BRAGG GRATINGS

Phaethon Communications, a Corporation
(Name of Assignee) Type of Assignee, e.g., corporation, partnership, university, government agency, etc.

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

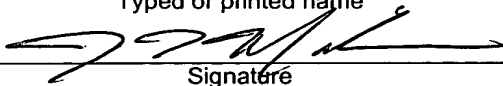
1. From: Joshua E. Rothenberg, Ph.D. To: Phaethon Communications
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

September 28, 2001
Date

Jerry L. Mahurin
Typed or printed name

Signature
Patent Attorney
Title

Statement By Assignee to Establish Ownership (37 CFR 3.73(b))

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: September 28, 2001

Signature:  (Jerry L. Mahurin)

ASSIGNMENT BY INVENTORS

THIS ASSIGNMENT, made by Joshua E. Rothenberg and Yunlong Sheng (hereinafter referred to as Assignors), residing at 5005 Brandin Court, Fremont, California 94538-3140 and 39206 Guardino Drive, Apt. 306, Fremont, California 94538, respectively;

WHEREAS, Assignors have invented certain new and useful improvements in LITHOGRAPHIC FABRICATION OF PHASE MASK FOR FIBER BRAGG GRATINGS, set forth in a Patent application for Letters Patent of the United States, already filed on June 15, 2001 as U.S. application No. 09/883,081; and

WHEREAS, Phaethon Communications, a corporation organized under and pursuant to the laws of Delaware having its principal place of business at 5005 Brandin Court; Fremont, California 94538-3140 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said inventions and said Application for Letters Patent of the United States, and in and to any Letters Patent of the United States to be obtained therefor and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, Assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto Assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions and application for Letters Patent, and in and to any and all direct and indirect divisions, continuations and continuations-in-part of said application, and any and all Letters Patent in the United States and all foreign countries which may be granted therefor and thereon, and reissues, reexaminations and extensions of said Letters Patent, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use and benefit of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent may be granted and/or extended, as fully and entirely as the same would have been held and enjoyed by Assignors, had this sale and assignment not been made.

AND for the same consideration, Assignors hereby represent and warrant to Assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignors are the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignors hereby covenant and agree to and with Assignee, its successors, legal representatives and assigns, that Assignors will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Patent application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignors hereby request the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignors hereby grant the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

FULBRIGHT & JAWORSKI L.L.P.

| | | | | | |
|-------------------------|--------|--------------------|--------|---------------------|--------|
| Jody C. Bishop | 44,034 | Jerry L. Mahurin | 34,661 | David H. Tannenbaum | 24,745 |
| Michael J. Fogarty, III | 42,541 | Thomas J. Meaney | 41,990 | William B. Tiffany | 41,347 |
| Leslie S. Garmaise | 47,587 | Michael A. Papalas | 40,381 | R. Ross Viguet | 42,203 |
| Matthew D. Jones | 44,810 | | | | |

AND Assignors acknowledge an obligation of assignment of this invention to Assignee at the time the invention was made.

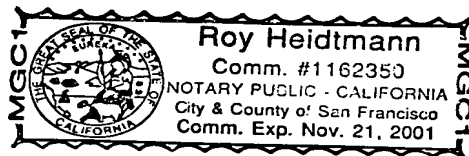
Joshua E. Rothenberg
Joshua E. Rothenberg

Date: SEPT. 14, 2001

United States of America)
State of CALIFORNIA) ss.:
County of ALAMEDA)

On this 14TH day of SEPTEMBER, 2001, before me
personally came Joshua E. Rothenberg, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.

Roy Heidtmann
Notary Public

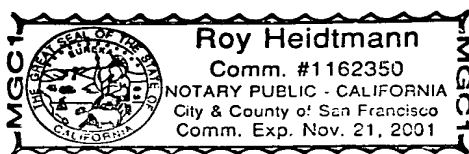


Sheng
Yunlong Sheng

Date: SEPTEMBER 14, 2001

United States of America)
State of CALIFORNIA) ss.:
County of ALAMEDA)

On this 14TH day of SEPTEMBER, 2001, before me
personally came Yunlong Sheng, to me known to be the individual
described in and who executed the foregoing instrument, and acknowledged execution
of the same.



R. Heidtmann
Notary Public